

REMARKS

Claims 1 to 11, are pending in this application; of which, claim 1 is the independent claim. Favorable reconsideration and further examination are respectfully requested.

Initially, the Examiner objected to the Drawings because FIG. 5A and FIG. 5B were not referenced in the specification. Applicants have deleted FIG. 5 from the Figures and the specification and added references to FIGS. 5A and 5B to the specification.

Applicants respectfully request withdrawal of the drawings objection.

Claims 1 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Richards-Kortum et al. (U.S. Patent Number 6,187,289).

Claim 1 is directed to a method of enhancing optical characteristics of at least one cell anomaly associated with a tumor. The method includes applying a predetermined contrasting solution including an AlCl solution to an in-vivo defect area associated with the tumor for optically enhancing the at least one cell anomaly associated with the tumor. The method also includes imaging at least a portion of the in-vivo defect area associated with the tumor using a first optical imaging system to provide an in-vivo enhanced tumor image. The in-vivo enhanced tumor image includes the at least one cell anomaly having enhanced attributes.

The applied art is not understood to disclose or to suggest the foregoing features of claim 1. In particular, Richards-Kortum does not disclose or suggest applying a predetermined contrasting solution including an AlCl solution to an in-vivo defect area associated with the tumor for optically enhancing the at least one cell anomaly associated with a tumor.

Specifically, Richards-Kortum discloses acetic acid as a contrast agent. Richards-Kortum does not disclose or suggest the predetermined contrasting agent comprising the AlCl solution. Therefore, Richards-Kortum does not disclose or suggest applying a predetermined contrasting solution including an AlCl solution to an in-vivo defect area associated with the tumor for optically enhancing the at least one cell anomaly associated with the tumor.

Claims 1 to 11 were rejected under 35 U.S.C. § 103(a) as being obvious over Richards-Kortum et al. in view of Yamamoto (U.S. Patent Number 4,395,398), Prevender (U.S. Patent Number 6,652,840), Klaveness et al. (U.S. Patent Number 6,159,445) and Rajadhyaksha et al. (J. Investigative Dermatology 113: 293- 303, 1999). Applicants note that the Examiner has failed to explain why independent claim 1 and dependent claim 10 were rejected under § 103(a) over Richards-Kortum in view of Yamamoto, Prevender, Klaveness and Rajadhyaksha as indicated other than referring back to the § 102(b) rejection.

The applied art is not understood to disclose or to suggest the foregoing features of claim 1. In particular, the art does not disclose or suggest applying a predetermined contrasting solution including an AlCl solution to an in-vivo defect area associated with the tumor for optically enhancing the at least one cell anomaly associated with the tumor.

As addressed above, Richards-Kortum does not disclose or suggest applying the predetermined contrasting solution including an AlCl solution to an in-vivo defect area associated with the tumor for optically enhancing the at least one cell anomaly associated with the tumor.

Yamamoto discloses various compounds including applying an aluminum chloride mixtures that may be applied to gums to stop the gums from bleeding (see Abstract of Yamamoto). Yamamoto does not disclose or suggest applying the AlCl solution to tumors much less using the AlCl solution as a contrasting solution for optically enhancing the at least one cell anomaly associated with the tumor. Therefore, Yamamoto does not disclose or suggest applying the predetermined contrasting solution including an AlCl solution to an in-vivo defect area associated with the tumor for optically enhancing the at least one cell anomaly associated with the tumor.

Prevender discloses using a composition that includes aluminum chloride as a hemostatic agent to control gum bleeding (see Abstract and column 3, lines 50 to 55). Prevender does not disclose or suggest applying the AlCl solution to tumors much less using the AlCl as a contrasting solution for optically enhancing the at least one cell anomaly associated with the tumor. Therefore, Prevender does not disclose or suggest applying the predetermined contrasting solution including an AlCl solution to an in-vivo defect area associated with the tumor for optically enhancing the at least one cell anomaly associated with the tumor.

Klaveness discloses particulate contrasting agents; however, Klaveness does not disclose the AlCl solution as a contrast agent. Therefore, Klaveness does not disclose or suggest applying the predetermined contrasting solution including an AlCl solution to an in-vivo defect area associated with the tumor for optically enhancing the at least one cell anomaly associated with the tumor.

Rajadhyaksha discloses a confocal scanning laser microscopy for examining human skin. Rajadhyaksha does not disclose or suggest contrasting agents much less a predetermined contrasting agent comprising a AlCl solution. Therefore, Rajadhyaksha does not disclose or suggest applying the predetermined contrasting solution including an AlCl solution to an in-vivo defect area associated with the tumor for optically enhancing the at least one cell anomaly associated with the tumor

Accordingly, for at least the reasons indicated above, even if Richards-Kortum were combined with Yamamoto, Prevender, Klaveness and Rajadhyaksha, the resulting hypothetical combination would not disclose or suggest applying a predetermined contrasting solution including an AlCl solution to an in-vivo defect area associated with the tumor for optically enhancing the at least one cell anomaly associated with the tumor. For at least this reason, claim 1 is believed to be allowable.

Moreover, Applicants submit that there is no motivation to combine these references. Yamamoto and Prevender are directed to controlling bleeding in the gums. Applicants' invention relates to observing tumors. Yamamoto and Prevender make no reference to tumors or optically enhancing at least one cell anomaly associated with the tumor. Furthermore, Klaveness makes no mention of an AlCl solution or offers any motivation for using the AlCl solution as a contrasting solution. Rajadhyaksha does not disclose or suggest contrasting agents much less a predetermined contrasting agent comprising a AlCl solution. Therefore, one of ordinary skill in the art would not have been motivated to combine these references.

For at least the foregoing reasons, Applicants request withdrawal of the art rejections.

Applicant submits that all dependent claims now depend on allowable independent claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants submit that the entire application is now in condition for allowance. Such action is respectfully requested at the Examiner's earliest convenience.

All correspondence should be directed to the address below. Applicants' attorney can be reached by telephone at (781) 401-9988 ext. 23.

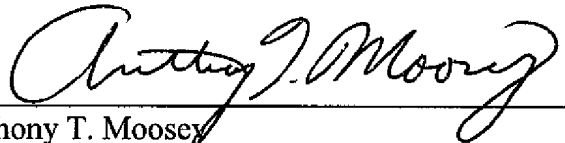
Applicants : Tannous et al.
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No fee is believed to be due for this Response; however, if any fees are due, please apply such fees to Deposit Account No. 50-0845 referencing Attorney Docket: MGH-036AUS.

Respectfully submitted,

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